

Memorandum

° : All Commissioners

Date : August 12, 1974

Executive Director

From : **Commission on Peace Officer Standards and Training**

Subject: AGENDA
Public Hearing/Special Commission Meeting
August 28, 1974, 10 a.m. - 3 p.m.
POST Headquarters, Conference Room
7100 Bowling Drive, Sacramento

A. PUBLIC HEARING

To amend POST Regulation, Section 1015 (b), establishing time limits during which claims for reimbursement must be submitted. (See Tab A)

After all testimony is taken, the hearing will adjourn. The Commission will then reconvene as a meeting to adopt or modify the proposed amendment.

B. CONVENE SPECIAL COMMISSION MEETING

1. Call to Order
2. Roll Call

C. POST REGULATION CHANGE

Adopt amended Section 1015 (b) - Claim for Reimbursement

D. CERTIFICATION OF COURSES

1. McKee/Wright - LaVerne College Management Center

LaVerne College has terminated its contractual arrangement with McKee/Wright. Management seminars certified jointly have automatically been decertified; no further presentations authorized after September 1, 1974. McKee/Wright may request certification at the October meeting. (See Tab D, page 1)

Commission information only - no action required.

Certification of Courses - continued

2. Training Requirement - Penal Code 832.3

This legislation requires the Commission to approve a course of instruction that must be completed by officers hired after January 1, 1975, before they exercise peace officers powers. (See Tab D, page 2)

Commission information only - no action required.

3. Department of Justice 1974-75 Training Proposal

Department of Justice proposes continuation of plan of financial adjustment for course offerings at their Advanced Training Center. The proposal exceeds by approximately \$27,000 the funding amount approved by the Commission at the July 18, 1974, Commission meeting.

Commission decision required for approval or disapproval of the contract. (See Tab D, commencing with page 3.)

E. 1975/76 BUDGET REPORT

POST Budget Request - as submitted to Department of Finance for F. Y. 1975/76

The allocation of funds as requested in the budget will permit POST to maintain programs prescribed in the basic law; initiate new programs mandated or requested by the Legislature, CCCJ and OCJP; and to continue quality control of training and police management programs now in operation.

A summary of Expenditures for Administration for the past two years, current fiscal year allotments, and base line figures for F. Y. 1975/76, as well as other reference material is included. (See Tab E, Tables 1, 2, and 3, and page 1-2.)

The Budget Subcommittee met July 25 to review programs by divisions, and will make recommendations for consideration by the Commission.

Commission action is requested for budget approval.

F. POLICY CONSIDERATIONS

Administrative Counseling Service

A discussion has been requested concerning Penal Code Section 13513, Counseling Service.

Administrative Counseling Service - continued

A legal opinion concerning charging for Administrative Counseling Service has been sought from the Attorney General's Office.

No action will be required.

G. FUTURE COMMISSION MEETINGS

Discussion item on future meeting location.

Examples: Meet at POST Headquarters twice annually.
Meet once in Southern California
Meet once in Northern California

The next regular meeting is scheduled for October 31 - November 1, 1974, in Monterey.

H. ADJOURNMENT

POST
LIBRARY

State of California
Department of Justice

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

MINUTES

August 28, 1974
POST Headquarters - Sacramento

Public Hearing

A public hearing on the proposed regulation change was called to order at 10 a.m. by Chairman Grogan. A quorum was present.

Present:

Robert F. Grogan	- -	Chairman
Dan Kelsay	-	Vice-Chairman
Wesley R. Barrett	-	Commissioner
Floyd O. Barton	-	Commissioner
Edwin R. McCauley	-	Commissioner
Donald F. McIntyre	-	Commissioner
Robert S. Seares	-	Commissioner
Jack R. Winkler	-	Representative of the Attorney General

Absent:

Jack G. Collins (Excused)
Loren W. Enoch (Excused)

The Executive Director presented the proposed change in the Regulations, as published in accordance with the Code of Administrative Procedures, as follows:

Section 1015 - Reimbursements

Amend (b) Claims must be forwarded on forms provided by the Commission no later than ~~14~~ 90 days after completion of a certified course.

Add All claims eligible for reimbursement from the Peace Officers' Training Fund for training which occurred after January 1, 1975, are subject to the following provisions:

- (1) Claims forwarded more than 90 days following the date of completion of a certified training course shall be reduced by 25% of the approved reimbursable amount.
- (2) Claims forwarded more than 180 days following the completion of a certified training course shall not be reimbursed.

Written testimony received by mail was read and oral testimony was called for from the floor. The jurisdictional exhibits and all testimony is on file at POST headquarters.

The hearing was closed at 10:20 a.m.

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The Commission meeting convened at 10:20. All Commissioners present at the hearing were in attendance.

Staff Present:

Gene S. Muehleisen	- Executive Director
Bradley W. Koch	- Director, Technical Services Division
Jewell L. Ross	- Assistant to the Executive Director
Otto H. Saltenberger	- Director, Administrative Counseling Division
Gerald E. Townsend	- Director, Standards and Training Division
Edward M. Toothman	- Director, Administration Division
Imogene Kauffman	- Recording Secretary
Gail A. Bomar	- Secretary, Executive Office -- Staff training

Advisory Committee Representative:

Robert Blanchard	- California Association of Administration of Justice Educators
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Visitors:

John E. Bailey	- Lieutenant, Napa Police Department
Donald V. Chaney	- Lieutenant, Orange County Sheriffs Department
Larry Hoffart	- Budget Officer, Department of Justice
Owen K. McGuigan	- Chief of Police, San Carlos Police Department
George H. Puddy	- Assistant Director, Division of Law Enforcement, Department of Justice
Len Silvey	- Chief, Advanced Training Center, Department of Justice
Dennis Smith	- Assistance Chief, Advanced Training Center, Department of Justice
Frank E. Walsh	- Budget Analyst, Department of Justice

Mr. Angel Dungca, Deputy Director of the Department of Public Safety, Territory of Guam, was introduced. Mr. Dungca is serving with POST by agreement for one year to gather information for implementing changes in the Department in Guam.

POST REGULATION CHANGE

The Commission discussion of the proposed regulation change, Section 1015 (b) as presented at the public hearing, identified Commission consensus that:

- . There shall be no exceptions to the stated time limitations.
- . In disseminating the bulletin on this highly significant regulation change, use a brightly colored "Special Notice" flag for emphasis.

MOTION by Commissioner McCauley, seconded by McIntyre, motion carried unanimously for adoption of the proposed change in Section 1015 (b) of the Regulations, to be effective January 1, 1975.

CERTIFICATION OF COURSESMcKee/Wright - La Verne College Management Center

Mr. Townsend reported that La Verne College had terminated their contractual arrangement with Dr. McKee and Mr. Wright. This termination automatically decertified their middle management seminars, as the conditions of certification are no longer present, hence no presentations are authorized after September 1, 1974. They have been advised that should either party wish to seek continued certification, staff would be willing to work with them if the need for continuation of these programs is documented.

No Commission action was taken as contractual termination does not require decertification action.

Training Course Requirements, Penal Code 832.3

Penal Code 832.3 provides that effective January 1, 1975, all peace officers with general enforcement powers shall complete a course of instruction approved by POST prior to exercising those powers. Specifically included was an elected sheriff.

At the July 18 Commission meeting, the Commission approved the staff recommendation for a specific course developed in conjunction with the Sheriff's Association to be conducted under contract. There are several course designs that may be followed in determining what the approved course of instruction should be for other officers. Staff is considering these alternatives, and there will be a series of meetings with local agencies to

discuss them. Possibilities include the Basic Course, the 832 P.C. Course, some combination of both, or a course specifically designed to meet this need. The POST Advisory Committee is to provide input to staff by October 1. Staff recommendations will be presented at the October 31 Commission meeting.

Certification of Department of Justice - Eight Technical Courses with Adjustment and Continuation of Financial Agreement

At the July 19, 1974 Commission meeting, the Department of Justice requested recertification of eight technical courses presently certified, and renewal of the financial agreement with the Commission to subvent costs for instruction, coordination and clerical support for three of the eight courses.

Commission action extended the present financial arrangement and permitted Justice to re-evaluate their F.Y. 1974/75 Training Proposal to reduce the total cost.

Mr. Townsend stated that adjustments had been made by Justice in accounting the time claimed necessary in all budget categories, resulting in a total proposal cost of \$99,884. The proposal excludes the previous request to administer disbursement of payments for student per diem and travel costs.

MOTION by Commissioner Seares, seconded by McIntyre, carried unanimously for approval of the staff recommendation to certify the previously identified eight technical courses under Reimbursement Plan IV to be presented by the Department of Justice during F.Y. 1974/75; execute a Plan of Financial Adjustment not to exceed \$99,884 to subvent the expenses for instruction, coordination, and clerical support for the Narcotic Investigation and Narcotic Enforcement for Beat Patrolmen courses, and honorariums for the Protective Services Techniques Course; and require that Commission stipulations previously agreed to by Department of Justice remain effective.

1975/76 BUDGET REPORT

Comparative Study of POST Administrative Costs

Preceding the review of the F.Y. 1975/76 Budget Request, the subject of comparative study of POST administrative costs was addressed.

The Executive Director reported that at the Ad Hoc Budget Committee meeting of July 26, 1974, Commissioner Enoch, Chairman of the Committee, requested

that the Commission consider a policy to establish fees for administrative counseling services.

He further advised that this issue was raised by staff at a Commission meeting on March 24, 1972, when staff recommended, "A study regarding costs involved in the completion of services described in P. C. Section 13513 (Administrative Counseling Service) shall be conducted to determine whether they are a form of state aid or Grant to Local Government. The Commission's budget and accounting procedures shall be modified accordingly, if so warranted, in order that such costs are no longer attributed to Administration." The Commission approved the recommendation and an Attorney General's Opinion was sought to determine whether or not this procedure was legally possible, and if so, staff was authorized to set up a separate accounting procedure.

On May 8, 1972, a favorable opinion was received, and at the September 14, 1972, Commission meeting, Gerald Townsend, then Director of the Administration Division, reported that, "In accordance with the prior concurrence with the opinion and directions from the Commission, the support costs for operation of the Bureau of Administrative Counseling was re-allocated to the Aid to Local Government Budget as a reimbursable service rather than as an administrative operating expense."

Opposition was received from the Department of Finance who reported that regardless of the Attorney General's Opinion, we were obligated to carry costs of Administrative Counseling as an administrative cost item in state budget reporting. No further action was taken by staff or the Commission as a result of that reaction.

In response to the renewed interest in this item by the POST Budget Committee, the Executive Director submitted the following information:

All the work generated in the Administrative Counseling Division is in response to a request for aid to local law enforcement in the form of management studies and consultations. Section 13513, P. C., makes it mandatory that POST provide such service to local jurisdictions. Three summaries were presented showing the amount of POST administration costs compared to revenue of the Peace Officer Training Fund for F. Y. 1972/73 and 1973/74.

<u>Table 1</u>	Showned total POST administrative costs for all functions: In 1972-73, total administrative costs amounted to 18% of revenue. In 1973-74, total administrative costs amounted to 20% of revenue.
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Table 2 Showed administrative costs in which 100% of Administrative Counseling cost was considered as "Aid to local government":
In 1972-73, administrative costs amounted to 13% of revenue.
In 1973-74, administrative costs amounted to 14% of revenue.

Table 3 Showed administrative costs in which 55% of Standards and Training and 100% of Administrative Counseling is considered as "Service to Local Government".
In 1972-73, administrative costs amounted to 9% of revenue.
In 1973-74, administrative costs amounted to 10% of revenue.

The Executive Director stated that due to the complexity of developing a system of in-kind service grants or other methods to account for POST survey costs, including possible charges to local government for such services, it is recommended that staff continue to research the problem, develop specific recommendations and present them to the Commission at the October 31st meeting.

The estimated 55% of Standards and Training services, set forth on Table 3, as a direct aid to local government is not as highly identifiable as Administrative Counseling services and would involve considerable accounting detail. It is, therefore, recommended that we not attempt to include Standards and Training services as direct aid to local government at this time.

It was so directed by the Chairman.

Proposed 1975/76 Budget

F. Y. 1975/76 budget request for the operation of POST, as submitted to the Department of Finance, was discussed. Of concern was the variances of requested amounts and "baseline figures" presented by the Department of Finance. Larry Hoffart, Budget Officer of the Department of Justice Fiscal Office, offered the following explanation:

"Baseline figures are based on historical data of the spending programs that existed before 1973. The baseline is a budgeting tool that has been used by the Department of Finance for the last five years as a mechanism to show where you are; what you are authorized to do, and from that point on -- increases only. The baseline includes: price increases, salary increases, staff benefit increases, and a host of things based on the population trends and things of that nature. They are subject to adjustment for price increases over and above the normal ... an over-all average of the State cost. The total figure is known as a category total, and it can be adjusted, with the approval of the Department of Finance, and Governor."

Mr. Winkler referred to the baseline for out-of-state travel -- \$7,000 -- and the requested amount of \$13,200, and questioned if the allotment for 74/75 represents what we asked for last year plus the additional costs that had been mentioned -- the cost increase would be to take care of additional costs of making the same trips and not additional trips.

Mr. Hoffart responded, in part,

" . . . The out-of-state travel is on a baseline figure which has no relationship to individual trips. It is based on historical spending programs. It just focuses and goes in perimeters around out-of-state travel allotments. The trips are put in as an item that you are anticipating right now. I'm sure it is going to change as you are talking about planning 18 months in advance, and that is why these allotments are subject to change when change is indicated.

"The baseline figure that comes from the Department of Finance is based on the amount appropriated by the Legislature for the 74/75 spending program. They take that appropriation, to that they add various increases (salary, merit salary adjustments and price increases for operating and equipment), and that is how they arrive at the baseline.

"The Executive Director has the administrative discretion to re-align those allotments and make the transfers necessary to carry out whatever priorities arise in the operating procedure."

Mr. Toothman explained that staff hadn't yet met with the Department of Finance, hence some of the Commissioner's questions could not readily be answered. Chairman Grogan requested that the Commission's concerns be presented to the Department of Finance, which were voiced by Mr. Koch, in substance, as follows:

"The baseline figure of \$6,000 for printing publications is unrealistic. For example, publication of POST Scripts last year was \$5,200; management counseling surveys costs were considerable; Technical Services requested \$12,200 for publications and printing predicated on the needs for technical research projects, manuals and directives developed. Last year a mini-grant of \$6,000 was received for publication of the POST Administrative Manual. To maintain the manual and make required changes, based on past experience, will cost approximately \$2,000. The development of the POST Internal Manual, utilizing some PAM procedures, will cost an additional \$2,000. There is no way to explain the \$6,000 baseline figure presented by the Department of Finance. Their 1973/74 actual cost figure of \$5,943 for

printing and publications appears to be incorrect as the cost for printing POST Scripts alone was \$5,200."

Mr. Toothman explained that within General Expense there is certain money included for printing, and it is a different category than publications. Some of the printing costs are absorbed in the General Expense account. However, it is important that the value of printing publications be considered. This is the first opportunity POST has had to establish the publication function and have one person assigned to that function, so that far more money than is reflected in the baseline figures will be needed.

Commissioner Seares pointed out that the requested amount for F.Y. 1975/76 was \$127,000 less than the Budget Committee recommended, and the total amount requested is only \$135,000 more than actual expenditures in 1973/74. Further, inasmuch as the Budget Committee had reviewed the budget request in depth and the complete F.Y. 1975/76 budget document was mailed to the Commissioners for advance review, it was the consensus of the Commission that no further discussion was warranted.

MOTION by Commissioner McIntyre, seconded by Seares, carried unanimously to accept the report of the POST Ad Hoc Budget Committee which recommended approval of the requested F.Y. 1975/76 budget.

Further, that the re-evaluated data processing study submitted by the Department of General Services at a cost of \$25,000 be added to the requested amount of \$81,120 for Contractual Services, bringing the Contractual Services total to \$106,120. The category total for expenditure for Administration to be \$1,998,013.

The approved "Expenditures for Administration" chart is set forth as Attachment "A".

POLICY CONSIDERATIONS

Administrative Counseling Service

Based upon the consideration being given to including the Administrative Counseling Division costs as Aid to Local Government, and the recommendation that staff continue to research the possibility of charges for surveys, Mr. Saltenberger presented a brief breakdown of law enforcement agencies by groupings according to the number of sworn personnel, number of departments in each group and percentages of population represented. This chart is set forth as Attachment "B".

He stated that an attempt will be made to analyze the costs of management surveys based on these categories. The number of general surveys to date totals 61. 80% of the surveys conducted were in departments of 75 or less sworn personnel, representing a population of 2,149,000 -- approximately 10% of the State's population and 14% of the agencies in California. The completed analysis will show the direct and indirect costs of surveys.

Staff recommendations will be presented at the October 31 Commission meeting.

FUTURE COMMISSION MEETINGS

The Executive Director invited comments regarding the possibility of holding two of the four regular, quarterly meetings of the Commission at POST Headquarters or at another site in the Sacramento area. This would permit more staff participation with reduced expense. Commissioner McCauley suggested pricing out a sampling of past meeting locations and having further discussion at the next regular meeting October 31 in Monterey.

OLD/NEW BUSINESS

POST Standards and Training Service to Southern California

As a result of the reduced budget allocation for the 1974/75 F. Y. for the Standards and Training Division, the Executive Director announced that beginning October 1, 1974, the POST Santa Ana office will be replaced by the assignment of two resident consultants -- one in Costa Mesa and one in Riverside. The Southern Bureau will be served by a bureau chief and three consultants. A bulletin announcing the assignments and full particulars will be disseminated within a few days.

The Executive Director added that every effort will be made to continue the highest possible level of service to agencies and institutions in Southern California.

POST Briefing for Recently-Appointed Commissioners

Friday, October 4, will be set aside for an in-depth review of the POST program for newly appointed Commissioners and any Advisory Committee members who might be interested. The orientation will be held at POST headquarters commencing at 10 a.m.

SAN MATEO COUNTY POLICE CHIEFS' ASSOCIATION REQUEST

Owen McGuigan, Chief of Police, San Carlos Police Department, requested to address the Commission on behalf of the San Mateo County Police Chiefs' Association. The verbatim presentation is on file at POST headquarters. Chief McGuigan presented the following concerns of the Association:

"The San Mateo County Police Chiefs' Association represents 18 municipal police agencies and the San Mateo County Sheriff's Office. The individual chiefs and the Sheriff have asked me to present you with the following facts:

"We wish to voice to you great concerns and displeasure about how the Selection Consulting Center handled their recent workshops and also how the questions on their questionnaires were worded. We feel the members of the Center staff were pre-determined or pre-destined in their thoughts as they conducted the workshops. We also feel that the questionnaires were subjective and arbitrary rather than of an objective and open nature. We had little room to work with the questionnaires by the way they were phrased. We are very strong in our concern about retaining the minimum entry level requirement of completion of a high school education. In fact, great deals of authority exist which urge law enforcement to increase rather than decrease standards. By authority, I refer to numerous Commission reports such as the President's Report, the Challenge of Crime in a Free Society, its accompanying task force report, The President's Commission Report on Campus Unrest, The National Advisory Commission on Criminal Justice Standards and Goals, numerous studies done by authorities in the field, these studies having been published in the forms of texts and/or articles in professional journals.

"We are most cognizant of recent court decisions and legislation which appear to be taking or eroding away most, if not all, of our standards, even minimum entry level standards. Someone, some organization or organizations must "go out front" so standards are not eroded or eaten away. We believe that California law enforcement should and must speak out and take action on these issues.

"Another item we would like you gentlemen to consider is that of the recently reduced reimbursement for attendance at the Basic Academy. We believe that full 100% reimbursement for academy attendance should be reinstituted and continued. Because we realize that there may be budgetary problems, we would request that POST reconsider and/or realign their priorities to allow for such funding."

The Executive Director commended Chief McGuigan and the San Mateo County Police Chiefs' Association for the interest shown and remarks presented. He stated it is hoped that in going back and reporting to the Association, they be reminded that POST is the only commission in the world that has in its Regulations a requirement of some level of college education. The POST philosophy has always been to continuously upgrade the educational standards requirements. Further, that a testing process must be validated in order to withstand a court test. At a special meeting November 7, the Commission will review the recommendations presented to them by the Selection Consulting Center.

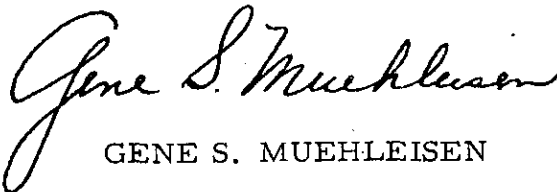
Chairman Grogan added that the Commission will be re-evaluating the reimbursement policy, as has been indicated to those who have expressed concern. Reimbursements will be subject to constant revision because of the funding situation, and the Association's concern will be taken into account.

The Executive Director said he would be pleased to meet with the San Mateo group and talk over mutual problems at any time the invitation is extended.

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:30 p. m.

Respectfully submitted,



GENE S. MUEHLEISEN

State of California
Department of Justice

Commission on Peace Officer Standards and Training

EXPENDITURES FOR ADMINISTRATION

	Actual 1972-73	Actual 1973-74	Allotments 1974-75	Dept. of Finance Baseline 1975-76	Requested 1975-76
<u>Personal Services</u>					
Salaries and Wages	\$909,148	\$1,198,341	\$1,145,113	\$1,304,380	\$1,432,630
 <u>Operating Expense and Equipment</u>					
General Expense	109,393	77,639	50,514	69,350	69,350
Printing Publications	-	5,943	10,860	6,000	22,420
Communications	47,882	47,137	41,604	50,000	50,000
Travel in-State	101,012	117,538	62,196	115,000	115,000
Travel, Out-of-State	7,271	7,815	12,340	7,000	13,200
Contractual Services	619,281	70,914	129,050	81,120	106,120
Facilities Expense	74,684	89,062	87,950	92,000	92,000
Pro-rated Expense	41,018	91,475	93,600	87,000	87,000
Equipment	20,777	32,245	24,283	9,000	10,293
 Total Operating Expense and Equipment	 1,021,318	 539,768	 512,397	 516,470	 565,383
 Total Administration	 \$1,930,466	 \$1,738,110	 \$1,657,510	 \$1,820,850	 \$1,998,013

POLICE AND SHERIFFS' AGENCIES ONLY*

	<u>Number Departments</u>	<u>Percentages</u>
<u>Group I - 1 to 10</u>	92	23.00
A 1 - 3	24	5.75
B 4 - 6	29	7.25
C 7 - 10	39	10.00
<u>Group II - 11 to 25</u>	91	22.25
A 11 - 15	41	10.25
B 16 - 20	27	6.25
C 21 - 25	23	5.75
<u>Group III - 26 to 75</u>	121	30.50
A 26 - 42	71	18.00
B 43 - 59	32	8.00
C 60 - 75	18	4.50
<u>Group IV - 76 to 200</u>	62	15.50
A 76 - 117	38	9.50
B 118 - 159	15	3.75
C 160 - 200	9	2.25
<u>Group V - 201 to 500</u>	21	5.50
A 201 - 300	13	3.50
B 301 - 400	5	1.25
C 401 - 500	3	.75
<u>Group VI - 501 and up</u>	13	3.25
A 501 - 1000	9	2.25
B 1001 - 1500	1	.25
C 1501 - up	3	.75

*Contract Cities, Park Districts, University Police, etc., are not included.